

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 162 OF 2007
IN
CIVIL APPLICATION NO. 198 OF 2005
IN
LETTERS PATENT APPEAL ST. NO. 4099 OF 2004

Ramchandra G. Ramdhumar

and Anr. .. Applicants.

vs.

K. Bhaskar Shetty

since deceased, .. Respondent.

And

Prithviraj Bhaskar Shetty

& Ors. .. Proposed Respondents.

Mr. Sidharth Karpe i/by Y.K.S. Legal for Applicants.

Mr. V.B. Rajure for respondent.

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CORAM: J.N. PATEL &

A.A. SAYED, JJ.

DATE: 8TH OCTOBER, 2007.

P.C.

. The learned counsel for the applicants submits

that due to inadvertence in the application for condonation of delay prayer for setting aside abatement has not been mentioned and that the applicant be permitted to carry out the necessary amendment so as to include the prayer for setting aside abatement. Leave granted. The applicant to forthwith carry out the amendment and furnish amended copy of the application to the other side.

2. By consent, the application is taken up for hearing.

3. Heard.

4. For the reasons stated in the application, we are inclined to condone the delay and set aside abatement but subject to cost which we quantify at Rs. 5000/-. The cost should be paid within two weeks otherwise the application to stand rejected without any further reference to the Court.

(J.N. Patel, J.)

(A.A. Sayed, J.)